THE HON'BLE SRI JUSTICE B.PRAKASH RAO

and

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.8546 of 2005

Between:

Dr.J.Chittibabu.

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PETITIONER

and

Government of A.P.,
Department of Medical and Health,
and others.

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RESPONDENTS

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ORDER: *(Per B.PRAKASH RAO, J)*

Heard both sides and at their request, the main writ petition itself is taken up for disposal.

The petitioner herein seeks to assail the order passed by the A.P. Administrative Tribunal, Hyderabad, in O.A.No.5673 of 2004, dated 16-03-2005, in dismissing the application filed under Section 19 of the Administrative Tribunals Act, 1985, wherein he seeks to assail the impugned proceedings, dated 13-08-2004, effecting his transfer from Primary Health Centre, Korapu Kothavalasa, Vijayanagaram District, to Primary Health Centre, Darakonda, Visakhapatnam District. The main submission made in support of the application is that the said transfer is being effected by the 2nd respondent on the ground of certain complaints lodged by the local leader of Mandal Prada Parishad President and Chairperson of Gram Panchayat of Datterajeru Mandal, Vizianagaram. Hence, this writ petition.

Having considered the submissions made and on perusal of record, it is seen that the Tribunal had taken into consideration several aspects and gave valid reason that the petitioner has been transferred from Primary Health Centre, Korapu Kothavalasa, Vijayanagaram District, to Primary Health Centre, Darakonda, Visakhapatnam District, on administrative grounds and in public interest. Except making an allegation that the transfer is illegal, the petitioner has not substantiated any cogent evidence to prove the same. Further, the petitioner should have impleaded the local leader of Mandal Praja Parishad President and other Chairperson of Gram Panchayat of Datterajeru Mandal, Vizianagaram, as parties to the proceedings.

Therefore, it is not necessary for this court to go into the merits of the contention raised by the learned counsel for the petitioner. Hence, we do not find any reason to warrant interference by this court under Article 226 of the Constitution of India.

Accordingly, the writ petition is dismissed. However, it is left

open to the petitioner to make a detailed representation, in this regard, to the 2nd respondent and the 2nd respondent shall consider the same and pass appropriate orders, in accordance with law. There shall be no order as to costs.

B.PRAKASH RAO, J

RAMESH RANGANATHAN, J

Date: 10-08-2006

Note:
Issue C.C. in one week
(B/o)
Prv